

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
JULY 5, 2011**

Regular Meeting of the City Council held in the Council Chambers, located at 27600 Jefferson Circle Dr., St. Clair Shores, Michigan.

Present: Mayor Hison, Council Members Frederick, Rubello, Rubino, Rusie and Walby

Absent & Excused: Council Member McFadyen

Also Present: City Manager Hughes, City Clerk Kotowski, Directors D'Herde and Rayes and City Attorney Ihrie

1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Hison called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, noted that Ms. McFadyen asked to be excluded and called the roll with a quorum present. The Pledge of Allegiance was recited by those in attendance.

Motion by Fredericks seconded by Rusie to excuse Council Member McFadyen from tonight's meeting.

Ayes: All – 6
Absent: McFadyen

Mayor Hison announced that Item 6 has been removed from tonight's agenda.

2. PROCLAMATIONS & PRESENTATIONS - None

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE LIMIT)

Jim Goodfellow – St Clair Shores resident spoke on Agenda items 5 and 9f. Mr. Goodfellow recommended that Council members be identified by name when making agenda requests. Mayor Hison responded that the names will be mentioned during the meetings. Mr. Goodfellow asked if Item 9f project pertains to the Metro East Chamber building. Mayor Hison explained that this work is for windows at the police station and is covered under the EECBG.

4. PUBLIC HEARING FOR CONSIDERATION OF VACATION OF A PUBLIC ALLEY ADJACENT TO LOTS 13-15 OF NINE-MACK URBAN RENEWAL PLAT NO. 1, SOUTHEAST OF 23000 THROUGH 23014 GREATER MACK, RETAINING ALL PUBLIC AND PRIVATE EASEMENTS PPC 110007.

Mayor Hison asked Mr. Ihrie to explain why this issue comes before Council. Mr. Ihrie stated that this is a consequence of the City charter that provides for the fact that sometimes streets and alleys are no longer useful to the City. In this case, approximately 25 years ago the Special Assessment District (SAD) was created for a parking lot in the 9 Mack/Colony region, and one of the alleys was not vacated. The alley runs through a portion of the SAD and is no longer useful as an alley. City Council has the right to vacate, and tonight is to hear objections to vacating the alley. The Charter gives authority to Council to make this decision.

Mayor Hison opened the Public Hearing at 7:07 p.m.-There were no speakers

Mayor Hison closed the Public Hearing at 7:08 p.m.

Mayor Hison stated that this location is the parking lot behind the stores on Greater Mack. The language was never changed to remove the alley portion, and it now makes sense to do so. Mr. Rubello asked Mr. Rayes to explain any ramifications. Mr. Rayes replied that the alley is surrounded on three sides by the SAD. The property owners are responsible for the upkeep. The SAD paid for the construction of the parking lot. Ms. Rusie commented that notice was mailed to 95 property owners seeking objections. Ms. Kotowski added that the only correspondence

4. PUBLIC HEARING FOR CONSIDERATION OF VACATION OF A PUBLIC ALLEY ADJACENT TO LOTS 13-15 OF NINE-MACK URBAN RENEWAL PLAT NO. 1, SOUTHEAST OF 23000 THROUGH 23014 GREATER MACK, RETAINING ALL PUBLIC AND PRIVATE EASEMENTS PPC 110007. (cont'd)

received was from Consumers Energy asking that their easements be retained, which is in the Resolution.

Mr. Frederick asked if there will be tax implications. Mr. Ihrle replied that there might be slight tax ramifications because the responsibility goes to the property owners.

Motion by Walby seconded by Rubino to adopt the Resolution for the vacation of a public alley adjacent to lots 13-15 of Nine-Mack Urban Renewal Plat No. 1, southeast of 23000 through 23014 Greater Mack, retaining all public and private easements PPC 110007 which reads as follows:

Vacation of Public Alley

WHEREAS, notice to vacate the public alley located adjacent to lots 13 – 15 of Nine-Mack Urban Renewal Plat No. 1, (southeast of 23000 through 23014 Greater Mack, north approximately 152 feet long and approximately 15 feet wide) as recorded in Liber 78, Page 34-36 of Plats, Macomb County Records, Macomb County, Michigan, has been given as appears by certificate on file in the Office of the City Clerk.

THEREFORE, BE IT RESOLVED, the above portion of public alley is hereby vacated, discontinued, and abolished by this Council to become a part and parcel of the adjoining properties of the above described plat, from which it was dedicated.

BE IT FURTHER RESOLVED, all public and private easements for egress, utility and maintenance are retained across all of above described alley for public utilities and egress.

AND FURTHER PROVIDE, that if at any time in the future, the owners of any lots abutting on said vacated alley, their heirs or assigns, shall request the removal and/or relocation of any existing poles or other utilities in said portion of alley, such owners upon whose property the poles or other utilities are located, shall pay all cost incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

BE IT FURTHER RESOLVED, that a copy of the resolution be forwarded to the Register of Deeds for Macomb County, duly certified by the City Clerk.

Ayes: All - 6
Absent: McFadyen

5. AMENDMENT TO ORDINANCES 22.250 DRIVEWAYS & 30.036 CONSTRUCTION BY OWNER, PERMIT REQUIRED AS REQUESTED BY TWO CITY COUNCIL MEMBERS.

Ms. Rusie and Mr. Rubino are the requesters of this item. Ms. Rusie said she was contacted via Facebook by a homeowner who did not want to hire a contractor to do his driveway work and wanted to do the work himself. When he tried to obtain a permit he was told that only contractors could pull permits. Staff does support changing the ordinance to allow homeowners to pull their own permit.

Mayor Hison stated that it stipulates that the homeowner shall sign an affidavit certifying their competence to do the work without the help of a contractor. The homeowner needs to know what to do for inspections. Ms. Rusie added that this will allow them to swear to the City that they will do the work themselves.

Ms. Rusie mentioned that this is an example of someone bringing an issue to our attention via Facebook that we are able to address and resolve.

Mr. Rayes explained that if the homeowner signs the affidavit, they are attesting that they are doing the work themselves and not allowing others to do it on their behalf. Often, contractors will send a homeowner in to pull a permit so they don't have to get bonded.

5. AMENDMENT TO ORDINANCES 22.250 DRIVEWAYS & 30.036 CONSTRUCTION BY OWNER, PERMIT REQUIRED AS REQUESTED BY TWO CITY COUNCIL MEMBERS. (cont'd)

Motion by Rubino, supported by Rusie to approve a request to amend 22.250 DRIVEWAYS and 30.030 SIDEWALKS AND DRIVEWAYS which read as follows:

22.000 BUILDING CODE Chap. 25 SECTION 22.250 DRIVEWAYS effective August 14, 2008

22.250 DRIVEWAYS Effective: August 14, 2008

22.251 Driveways.

Sec. 1. No driveway or appurtenances thereto shall be constructed, installed, enlarged or altered until a permit has been obtained from the Department of Community Development. An application for a permit for the construction of a driveway may be obtained from the Department of Community Development. An application/permit fee of thirty-five (\$35.00) dollars shall be submitted to the Department with the application. The City Council may, from time to time, change the application/permit fee by resolution. (eff. Aug. 14, 2008)

22.252 Plans and permits.

Sec. 2. No driveway may be constructed by any person, firm or corporation unless locally registered with the City and bonded. (eff. Aug. 14, 2008)

SHALL BE AMENDED TO READ AS FOLLOWS:

22.252 Plans and permits.

Sec. 2. No driveway may be constructed by any person, firm or corporation unless locally registered with the City and bonded **except as follows: the building department may grant a permit to any owner at his place of residence to construct a driveway on his or her property with the condition that such owner is skilled and competent to construct such driveway. The homeowner shall sign an affidavit stating his competency to construct a driveway and certifying that no contractor will be providing any assistance on the work.** (eff. Aug. 14, 2008 **amend. eff. July 6, 2011**)

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

This ordinance shall become effective upon publication by the City Clerk.

This ordinance shall be published by posting the same in three public places within the city of St. Clair Shores and the Clerk is hereby ordered to post the same upon the bulletin board in the Police Station, 27665 Jefferson Avenue, the Fire Hall, 26700 Harper Avenue, and the City Hall, 27600 Jefferson Avenue.

STATE OF MICHIGAN)
) ss
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 5th day of July 2011, and that the necessary Charter provisions have been observed.

ROBERT A. HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK

I, Mary A. Kotowski, Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 6th day of July 2011.

Amend. effective: July 6, 2011

MARY A. KOTOWSKI, CITY CLERK

5. AMENDMENT TO ORDINANCES 22.250 DRIVEWAYS & 30.036 CONSTRUCTION BY OWNER, PERMIT REQUIRED AS REQUESTED BY TWO CITY COUNCIL MEMBERS. (cont'd)

30.000 STREETS, SIDEWALKS AND PUBLIC WAYS Chapter 33 CITY OF ST. CLAIR SHORES , Effective: December 3, 1968

ARTICLE 2

30.030 SIDEWALKS AND DRIVEWAYS

30.036 Construction by owner, permit required.

Sec. 33-18. The building department may grant a permit to any owner at his place of residence to construct a sidewalk, or driveway approach on the public property abutting the real property owned by him upon the condition that such owner is skilled and competent to construct such sidewalk, or driveway approach in accordance with the specifications of the city engineer, and will properly maintain the same thereafter. The homeowner shall sign an affidavit stating his competency to construct a sidewalk or driveway approach and certifying that no contractor will be providing any assistance on the work.

(chap. 33 eff. Dec. 3, 1968; amend. eff. Jan. 6, 1987)

SHALL BE AMENDED TO READ AS FOLLOWS:

30.030 SIDEWALKS AND DRIVEWAYS

30.036 - Construction by owner, permit required.

Sec.33-18.The building department may grant a permit to any owner at his place of residence to construct a sidewalk, or driveway approach on the public property abutting the real property owned by him **or her, or the driveway on his or her private property**, upon the condition that such owner is skilled and competent to construct such sidewalk, or driveway approach in accordance with the specifications of the city engineer, and will properly maintain the same thereafter. The homeowner shall sign an affidavit stating his competency to construct a sidewalk or driveway approach and certifying that no contractor will be providing any assistance on the work. **amend. eff. July 6, 2011)**

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

This ordinance shall become effective upon publication by the City Clerk.

This ordinance shall be published by posting the same in three public places within the City of St. Clair Shores and the Clerk is hereby ordered to post the same upon the bulletin board in the Police Station, 27665 Jefferson Avenue, the Fire Hall, 26700 Harper Avenue, and the City Hall, 27600 Jefferson Avenue.

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MARY A. KOTOWSKI, CITY CLERK

Amend. effective: July 6, 2011

Ayes: All - 6
Absent: McFadyen

- ~~5. REQUEST TO AMEND THE BUDGET TO TRANSFER \$9600 FROM COOL CITIES TO WATERFRONT ENVIRONMENTAL COMMITTEE AS REQUESTED BY TWO CITY COUNCIL MEMBERS~~
6. REQUEST TO AMEND ORDINANCE 22.100 TO INCLUDE REVISED FIRM MAP PANEL 409G TO REFLECT LOMR DATED 6/22/2011

Mr. Rayes reported that the Flood Insurance Rate Map (FIRM) that he distributed at the last meeting has been revised, thus making that presentation null and void. Mayor Hison confirmed that the only change made to the FIRM Map Panel previously reviewed was the date. Mr. Rayes stated that a letter will be sent to property owners that were required to carry flood insurance notifying them of a recent Letter of Map Revision (LOMR) that indicates their property has been removed from the Special Flood Hazard Area. A 17 page packet of data that they will need is on the City's website.

Mr. Rubello asked for clarification of the process. Mr. Rayes explained that property owners should print out this information as they will need it when advising their insurance carrier or their mortgage company that they no longer need a flood insurance policy. This will impact their rates. In addition, property owners no longer have to disclose the flood plain issue when they sell. Mayor Hison complimented staff on their efforts to remove about 1,800 homes from the flood plain zone. Mr. Walby asked how packets will be distributed. Mr. Rayes answered that in addition to getting it from the City's website; the packet can be sent via e-mail, U.S. mail or picked up at the Community Development Department.

Mr. Rubino noted that the residents will receive significant dollars in rebates and will save each year. Not having to pay for flood insurance will make their homes more desirable.

Motion by Walby, seconded by Rusie to approve Amendment to Ordinance 22.100 State Construction Code Ordinance for Flood Plain Management Provisions for the City of St. Clair Shores to include revised Firm Map Panel 409G to reflect LOMR dated 6/22/2011 which reads as follows:

22.100 STATE CONSTRUCTION CODE ORDINANCE FOR FLOOD PLAIN MANAGEMENT PROVISIONS Ord. No. 22.100 Effective: September 29, 2006

An ordinance to repeal the existing ordinance number 25.300--25.363 and designate an enforcing agency to discharge the responsibility of the City of St. Clair Shores located in Macomb County, under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The City of St. Clair Shores ordains:

22.101 Agency designated.

Sec. 1. Pursuant to the provisions of the State construction code, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, the Building Official or designee of the City of St. Clair Shores is hereby designated as the enforcing agency to discharge the responsibility of the City of St. Clair Shores under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of St. Clair Shores assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Shall be amended to read as follows:

22.101 Agency designated.

Sec. 1. Pursuant to the provisions of the State construction code, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, the Building Official or designee of the City of St. Clair Shores is hereby designated as the enforcing agency to discharge the responsibility of the City of St. Clair Shores under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of St. Clair Shores assumes responsibility for the administration and enforcement of said Act **through out** its corporate limits. (Amended 7/06/2011)

22.102 Designation of regulated flood prone hazard areas.

Sec. 2 The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) for Macomb County, Michigan and Incorporated Areas dated September 29, 2006 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) 26099C 0342G, 0343G, 0344G, 0361G, 0363G, 0406G, 0407G, 0408G, 0409G, 0428G, dated September 29, 2006 are adopted by reference and shall serve as the official maps and supporting data establishing flood hazard areas for regulation by the Michigan Building Code and Michigan Residential Code.

7. REQUEST TO AMEND ORDINANCE 22.100 TO INCLUDE REVISED FIRM MAP PANEL 409G TO REFLECT LOMR DATED 6/22/2011(cont'd)

SHALL BE AMENDED TO READ AS FOLLOWS:

22.102 Designation of regulated flood prone hazard areas.

Sec. 2 The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) for Macomb County, Michigan and Incorporated Areas dated September 29, 2006 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) 26099C 0342G, 0343G, 0344G, 0361G, 0363G, 0406G, 0407G, 0408G, 0409G, as revised by the L.O.M.R. dated June 22, 2011; 0428G, dated September 29, 2006 are adopted by reference and shall serve as the official maps and supporting data establishing flood hazard areas for regulation by the Michigan Building Code and Michigan Residential Code. (Amended 7/06/2011)

22.103 Repeals.

Sec. 3. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

22.104 Publication.

Sec. 4. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

STATE OF MICHIGAN)
) ss
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 5th day of July 2011, and that the necessary Charter provisions have been observed.

ROBERT A. HISON, Mayor

MARY A. KOTOWSKI, CITY CLERK

I, Mary A. Kotowski, Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 14th day of July 2011; which is the effective date of this ordinance.

Mary A. Kotowski, City Clerk

Amendment effective July 14, 2011

Ayes: All - 6
Absent: McFadyen

8. BIDS/CONTRACTS/PURCHASE ORDERS

- a. Request approval of Maintenance Contract for Police Department to contract with State Electronics to maintain 114 mobile and prep radios.**

Mr. Hughes stated that this is a housekeeping item. The Police Department relies heavily on communications and the Motorola radios are serviced through a warranty agreement that just expired. We are looking for a two year extended warranty. We did seek bids through Michigan Intergovernmental Trade Network (MITN) and local newspapers.

Motion by Rubino, seconded by Walby for the Approval of Maintenance Agreement for the Police Department to contract with State Electronics for \$14,970 to maintain 144 mobile and prep radios.

Ayes: All - 6
Absent: McFadyen

8. BIDS/CONTRACTS/PURCHASE ORDERS(cont'd)

b. Purchase of properties from Macomb County – Tax Reversion Process

Mr. Hughes stated that this is an annual process wherein Macomb County makes cities aware of properties they acquired through delinquent taxes and offers them to take ownership. After two years of non-payment of taxes, the County will - as a last resort – foreclose, which gives cities this opportunity. Historically, the position is to accept all of the properties or reject all of them. Picking and choosing is not allowable. We started with 24 properties but we recently found out that six properties are in receivership and have been removed from decision making. The condition of the 18 properties was discussed.

Mr. Hughes said that although they are in various conditions, we strongly recommend to acquire them and then improve or demolition them. Following that, we will turn around and sell them competitively. This is a distinct program from the NSP and HUD \$1 homes programs that has no guidelines on how we can spend the proceeds. We could sell them and return the revenue to the Rainy Day fund. We could spend it on new parks equipment, new vehicles, etc.

Mayor Hison asked Mr. Rayes if this figure represents everything we would pay for the property. Mr. Rayes said the taxes are paid through July, and that we will pay the taxes through the end of the year.

Ms. Rusie explained that there are consequences if we turn this down. We could be liable for paying the back taxes and we wouldn't have the properties. Last year, we generated profits without having to make a lot of improvements. We can sell to investors, etc. Mr. Hughes stated that this is historically a high amount of properties.

Mr. Rubino looked at values of the some of the properties and noted that even if we cut that in half, we will still make a lot of money. Mr. Walby suggested that some of the proceeds could be used for an ambulance. Mr. Rubello said this program revitalizes some economically distressed areas. Some properties are winners, some are losers but the overall average is a plus. Mr. Rayes said that in the past, we have demolished some or repaired and sold them – an absolute benefit. Many of the houses had code enforcements records for debris. Mayor Hison stated that these homes do not have for sale signs and they look un-lived in, which is another point in revitalizing the neighborhood. Mr. Fredericks asked for an estimate on repairs. Mr. Rayes replied that we will bid these out but an estimate would be about \$35,000 - \$40,000 for improvements. Some of these have newer roofs and kitchens. In some instances, personal effects are left behind. If those are in good condition we would put the furniture, etc. in auction.

Mr. Walby asked for a timeframe. Mr. Hughes replied that we will begin tomorrow, and it will be case by case and will depend on how much work is needed. We will hopefully put them on the market by late summer/early fall. Mr. Fredericks asked if the houses that were taken off the list will come before Council at a later date. Mr. Hughes said that according to County Treasurer Ted Wahby's assistant, that is doubtful. The total for the 18 properties is \$192,410.74.

Motion by Walby, seconded by Frederick to approve a request for the purchase of 18 of the 20 properties totaling \$192,410.74 from Macomb County as follows:

PARCEL	ADDRESS	TOTAL DUE
09-14-01-104-052 St Clair View Sub (L.2,P.228) Lot 21 Exc West 16.0 Ft	TALBOT	3,582.44
09-14-10-180-006 Couchez Farms Sub'n W 59 Ft Lot 167 City Of St. Clair Shores	21401 Evergreen	14,242.89
09-14-10-378-005 Dalby & Campbell's Harper Ave Subdivision No. 1 S 10 Ft	29722 ROSEBRIAR	10,390.63
Lot 554, All Of Lot 555 & N 5 Ft Lot 556 Liber 9 Page 6		
09-14-11-102-011 Lake Shore Little Farms Annex No.3 E ½ Lot 188 City Of St Clair Shores	22518 DORION	14,061.41
09-14-14-352-010 sunset plaza condo mccc no. 22 unit 2 bldg b	28111 JEFFERSON	4,127.29

8. b Purchase of Properties cont'd.

PARCEL	ADDRESS	TOTAL DUE
09-14-15-301-038 Visnaw's Mack Ave. Little Farms Sub'n (L.7,P.13); Lot 30 City Of St Clair Shores	27720 LITTLE MACK	19,976.04
09-14-16-454-022 Greengarden Sub'n Lot 208	URSULINE	1,400.44
09-14-22-101-022 Greendale Sub'n No 1 (L.9,P.35) E 11 Ft Lot 760 & All Lot 761; City Of St. Clair Shores	20913 YALE	16,424.10
09-14-27-126-008 A/P No 18; Lot 28; City Of St Clair Shores	21613 10 MILE	27,591.42
09-14-27-307-006 Jefferson Harper Superhighway Sub'n Lot 8 City Of St Clair Shores	21597 HARPER LAKE	11,195.34
09-14-33-333-02 Assessors Plat No 45 E 49 Ft Lot 42 & W 49 Ft Of E 1340 Ft Lot 5 Of Assessors Plat No 2	20216 SHADY LANE	8,132.52
09-14-33-360-18 Dalby & Campbell's Mack Park Sub'n No 1 Lot 328 City Of St Clair Shores	PARKSIDE	1,826.73
09-14-33-434-003 Heffner & Flemming's Glenhurst Sub'n W 20 Ft Lot 54 & E 30 Ft Lot 55 City Of St Clair Shores	21908 ALGER	9,215.37

NOTE that during the purchase the 4 additional parcels were redeemed, so the City's total purchase was a total of 14 parcels at a cost of \$141,030.91.

Ayes: All – 6
Absent: McFadyen

8 CONSENT AGENDA ITEMS

Motion by Walby, seconded by Rubino to approve the Consent Agenda items a through f, g6, g7, g8, g9, g10, g13, g14, g16 and h, separating items g1, g2, g3, g4,g5, g 11, g12, g15 as presented, which include the following:

a. Bills July 5, 2011 \$3,304,463.64

To approve the release of checks in the amount of \$3,304,463.64 of the report that is 33 pages in length and of the grand total amount of \$3,304,463.64, \$0 went to other taxing authorities.

b. Fees – None

c. Progress Payments

Ullico Casualty Company	\$52,851.94
Doetsch Environmental Service	\$16,031.53
Posen Construction, Inc.	\$30,046.48
Terra Contracting LLC	\$17,464.69

To approve the above progress payments, subject to audit.

d. Approval of Minutes – None

9 CONSENT AGENDA ITEM(cont'd).

e. Receive & File Boards, Commissions & Committee Minutes

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Fence Arbitration	May 18, 2011
General Employee Pension Board	May 17, 2011
Library Board	May 19, 2011
Police & Fire Civil Service Commission	January 12, 2011
Tax Increment Finance Authority	March 24, 2011

f. Request for approval of a change order to the EECBG general construction contract for additional work at the police station

g. Award Bids and Blanket Purchases for 2011-12 Fiscal Year for the following:

<u>DEPT</u>	<u>ITEM</u>	<u>VENDOR</u>	<u>AMOUNT</u>
6) DPW	Water & Sewer Utility Material Delivery & Rem Contract (proposals opened 6/21/11)	Hernden Trucking Co. Clancy Excavating Co.	\$105,000 \$ 40,000
7) DPW	Water & Sewer Utility Repair Materials Contract (proposals opened 6/21/11)	HD Supply Co. ETNA Supply Co. East Jordan Iron Works	\$ 35,000 \$ 80,000 \$ 80,000
8) Fire Dept.	Fire Turnout Suits	Apollo Fire Equipment Company	\$ 14,960
9) Fire Dept.	Medical Supplies for 2011-2012	J & B Medical Supply, Inc.	\$ 20,000
10) Finance	Gas and Diesel fuel	Mansfield Oil Company RKA Petroleum Companies, Inc.	\$340,000 \$ 15,000
13) Golf & Parks	Fertilizer and Chemicals	Harrell's Great Lakes Turf	\$ 40,000 \$ 25,000
14) Golf & Parks	Merchandise for resale in Golf Pro Shop	Callaway Golf Sales Co. Embroidery & Much More, LLC Titleist Hornung's Golf Products, Inc. FootJoy	\$ 4,000 \$ 3,000 \$ 4,000 \$ 2,000 \$ 5,000
16)	Licensing and Service Agreements Election supplies Ordinance Publications	Elections Systems & Services Printing Systems Municipal Code Corporation	\$ 37,000 \$ 25,000 \$ 8,000

9. h. RECOMMENDATIONS FROM COUNCIL SUB COMMITTEE ON BOARDS, COMMISSIONS AND COMMITTEES

a. Accept with regret the following resignation: Barbara Wagner – Beautification Committee

b. Recommendation from Sub-Committee on Boards Committees & Commissions to recommend to increase the Waterfront Environmental Committee size from seven (7) members to nine (9) members and to recommend the appointment of Joe St. John to a new term expiring 9/30/14.

c. Mayor's Appointment: To appoint the following as members of the Compensation Commission to fill the vacant seats of Lyde B. DeHooghe, Frank L. Mumford and Ralph as follows:

<u>Name</u>	<u>Term Ending Date</u>
Stanley J. Bittner	10/01/15
Andrew R. Hodges	10/01/16
Gregory A. Stauffer	10/01/12

Ayes: All - 6
Absent: McFadyen

Separate Consent Agenda Items

g. Award Bids and Blanket Purchases for 2011-12 Fiscal Year for the following (separated)

- 1) DPW Automotive Parts (proposals opened 6/21/11) Automotive Supply Co., Inc. \$ 30,000**

Mayor Hison asked Mr. Ihrie if we could go with the local company's bid versus an out-of-City bid even though the quote was 2.2 percent higher. Mr. Ihrie responded that although the bidding process is intended to secure the lowest bid, there are ordinances that have given advantages to local companies. Michigan law states that the rights belong to the city – not the bidder. Therefore, we can go to the second lowest bidder but that doesn't mean that the low bidder would not be successful in a court of law if they attempted to make an issue.

Mr. Frederick noted that if combined, the bids from Great Lakes Battery and George's Auto parts – both St. Clair Shores companies – would be the lowest bid. Mr. Smith, speaking on behalf of DPW Director Bryan Babcock, clarified that although we are asking for vendor approval for the blanket purchase order, we will shop around for specific items

Ms. Rusie is concerned that we will become known as a city that turns its back on lowest bidders in order to award bids to local companies and would like us to award to the lowest qualified bidder. She added that the bidding process is expensive and this could turn some businesses away. Mr. Rubino stated that a recent study reports that for every dollar spent at a local store or business, thirty cents goes directly into the local economy.

Mr. Rubello disclosed that he has sold newspaper advertising to both companies. Ms. Rusie asked if the bids were based on brands. Mr. Smith replied that some products were brand based.

Motion by Walby, seconded by Frederick to split the automotive parts bid between George's Auto Parts and Great Lakes battery – both located in St. Clair Shores – and the purchase orders would preface that they are each a blanket purchase order in the amount of \$15,000 to give DPW the authority to purchase materials.

Ayes: All – 6
Absent: McFadyen

- 2) DPW Police Vehicle Change over Contract Build Up of Cynergy Products, Inc. \$ 6,420**
Police (proposals opened 6/28/11)

Mayor Hison asked for clarification of the amount. The Account amount is \$8,988 and the bid was \$6,420. Mr. Smith explained that we are carrying over two vehicles from last year's budget so the blanket purchase order is actually for seven vehicles. The total amount is higher to have contingency for extra costs

Mr. Frederick asked if we used Priority One Emergency last year. Mr. Smith responded that we didn't use anyone last year. He also stated that they have a reputation for having-up charges, but Cynergy does not. References were checked for Cynergy and everyone called is pleased with them.

Motion by Walby, seconded by Frederick to award blanket purchase order for police vehicle changeover to Cynergy Products Inc., in the amount of \$10,720.

Ayes: All – 6
Absent: McFadyen

- 3) DPW U.P.M. Permanent Pavement Repair Material Contract Barrett Paving Materials, Inc. \$ 43,000**
(proposals opened 6/21/11)

Mayor Hison asked if an investigation was done to learn about the liquid product presented by the alternate bidder. Mr. Smith responded that according to Bryan Babcock, this material stays in the hole even less time than coal patch. He added that even though it is a less expensive product, it costs more in the end because more is needed. There is a new "green-friendly" material being talked about that we might do a trial on in the future.

Separate Consent Agenda Items (cont'd)

Motion by Rubino, seconded by Walby to award blanket purchase order for U.P.M. Permanent Pavement Repair Material to Barrett Paving Materials, Inc. in the amount of \$43,000

Ayes: All - 6
Absent: McFadyen

4) DPW Tire Purchasing Contract (proposals opened 6/21/11 Tire Wholesaler, Inc. \$ 40,000

Mr. Rubello asked if we are paying more than we paid last year for any of these items. Mr. Smith replied that some are higher because of gas prices. Mr. Hughes stated that in no scenario did the competitive bid process result in a unit price higher than what was budgeted in June. We did not underestimate.

Mr. Rubello recommended that annual requests such as this show the price paid the previous year to give Council a guideline when reviewing for approval. He asked if Tire Wholesaler, Inc. has competition because they seem to get the bid every year. Mr. Hughes responded that they come in the lowest. We made a specific effort and 15 companies downloaded our proposal yet we only had two bids.

Mr. Rubello asked if Firestone, Belle Tire or other local tire companies are aware of our requests. Mr. Smith answered that he has personally gone to Belle Tire and told the manager how to get on the bid list. He said that if you are a member of MITN, you will get an e-mail notification for proposals.

Motion by Walby seconded by Rubino to award blanket purchase order for tire purchasing contract to Tire Wholesaler, Inc in the amount of \$40,000

Ayes: All - 6
Absent: McFadyen

Separate Consent Agenda Items (cont'd)

5) DPW Tree Stump Removal Contract (proposals opened 6/21/11) Wonsey Tree Service, Inc. \$ 10,000

Mr. Rubello asked why chip removal wasn't included in the bid specifications. Mr. Smith explained that optional services create extra costs to pass on to the property owner. Mr. Rubino asked what options are available for stump removal. Mr. Smith answered that if we take the chips out, it will sink and homeowner will need to know how to fill it. The hole would need to be filled with topsoil which makes it even more costly. We leave what we believe to be the right amount of wood chips.

Motion by Rubello seconded by Rusie to award blanket purchase order for tree stump removal to Wonsey Tree Service, Inc in the amount of \$10,000.

Ayes: All - 6
Absent: McFadyen

11) Finance Rock Salt The Detroit Salt Company \$139,530

Mr. Rubello asked how much was spent last fiscal year on rock salt. Mr. Smith answered that, to date, we spent \$91,133. We had no supply problem last year.

Motion by Rubello seconded by Rubino to award blanket purchase order for rock salt to the Detroit Salt Company. In the amount of \$139,530.

Ayes: All - 6
Absent: McFadyen

9. Separate Consent Agenda Items (cont'd)

12) Information Services	Desktop and Laptop Computers	State of Michigan Contract/ GSA Pricing	Not to exceed \$67,406.84
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Mr. Rubello asked how much was spent last year. Mr. Hughes replied that during budget workshops, we discussed the computer replacement cycle. We used to have a policy to replace desktop computers every three years. After the recession began, that increased to every four years. Currently, it is approximately every five years. There is a dedicated account for this. We are downsizing which highlights the importance of technology to be efficient. Mr. Hughes requested that Information Systems Director, Greg Corless, put together a modified purchase plan. Mr. Rubello said we have stretched the limit. Mayor Hison added that it is important to us that resources are available but that we remain conservative. We are replacing the CPUs only, not the monitors.

Motion by Rubello seconded by Frederick to award blanket purchase order for 44 Dell OptiPlex-790 computer systems in the amount not to exceed \$67,406.84

Ayes: All - 6
Absent: McFadyen

15) CDI	Clean Up, Rodent Control, Snow Removal, Weed Control, Landscape Maintenance and Irrigation Maintenance	Landscape Services, Inc.	\$ 60,000
		Landscape Services, Inc.	\$110,000
		Landscape Services, Inc.	\$ 50,000
		GTJ Consulting, LLC	\$ 50,000
		Landscape Services, Inc.	\$ 19,440
		WH Canon Co.	\$ 25,500
		Landscape Services, Inc.	\$ 29,000

Mr. Walby explained that we bid this out in 2009 on a three year contract. Since it will be bid out next year, this is just to show how much we are allocating for this program.

Motion by Walby seconded by Rubino to approve a request to approve CDI blanket purchases as follows:

15) CDI	Clean Up, Rodent Control, Snow Removal, Weed Control, Landscape Maintenance and Irrigation Maintenance	Landscape Services, Inc.	\$ 60,000
		Landscape Services, Inc.	\$110,000
		Landscape Services, Inc.	\$ 50,000
		GTJ Consulting, LLC	\$ 50,000
		Landscape Services, Inc.	\$ 19,440
		WH Canon Co.	\$ 25,500
		Landscape Services, Inc.	\$ 29,000

Ayes: All - 6
Absent: McFadyen

10. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **PCB's** – Mr. Hughes reported that we are actively working with the EPA office in Chicago to identify a date and time for this summer's town hall meeting. We are working to make sure the State of Michigan's public posting of the fish advisory is done efficiently.
- **Harper (13 to 14 Mile Road)** - Mayor Hison asked when the black top will be put on. Mr. Rayes replied Monday, July 11.
- **Little Mack (10 to 12 Mile Road)** – Mr. Rayes stated that the traffic lane was switched to the newly paved northbound lane. The contractor is lowering the manholes and catch basins for the milling machines that are coming in on July 7. Mayor Hison discussed the 25 MPH speed limit. We must respect and be courteous to the workers. Mr. Rayes said we are attempting to have both projects completed by late September.

10. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING

- **Stagnate shoreline water** – Mr. Hughes explained that for residents north of Memorial Park, this is a concern. Although the property ends where the sand meets the water, and it becomes the State and Macomb County jurisdiction, we have taken on a leadership role. Administration is working with State Representative Tony Forlini and the Michigan DEQ. They took samples of the muck and we are awaiting results of the bacteria testing. Mr. Rubino added that we will do our best to resolve this issue.
- **Pit Bulls** - Mr. Hughes researched this issue with the Police Department and Mr. Ihrie. The homeowner that had the pit bulls has been arrested for alleged crimes and has been incarcerated. Separate but concurrently, our Police Department has pressed a variety of charges upon the two pit bulls that violated our Vicious Dog Ordinance by attacking the neighbor's dog. The two dogs have been confiscated, removed and are at the Macomb County Animal Shelter.

Mayor Hison requested that Mr. Ihrie describe the Vicious Dog Ordinance. Mr. Ihrie explained that it is not breed specific. The State of Michigan legislature proposed a statewide ban, but it has been shelved. St. Clair Shores Vicious Dog Ordinance defines a vicious dog as a dog that bites or attacks a human or domesticated animal. If one owns a dog that bites, by definition it becomes vicious. If the court determines the dog did violate, the ordinance is triggered and the homeowner has limited options – remove dog from the City or euthanize it. If they choose to keep the dog, it must be muzzled every time it is out of the house. If it is an outdoor dog, it must be in a fenced kennel with requirements. The property must have warning signage and \$100,000 worth of insurance. It cannot be outside unless it is going to the vet or a kennel and must then be muzzled. There will be no possibility of that dog harming someone outside of the house. Most canine organizations would be supportive of this ordinance. We do prosecute the few cases that come up. Mayor Hison asks that all dog owners be aware of your own animal.

11 COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Walby commented that the lights on Cavalier Drive have been out for 30 days. A resident notified the Police Department a few weeks ago. Mr. Hughes will take care of this.

Mr. Walby stated that the Fireworks event was a great success. He inquired about the timing of the accounting for the event. Mr. Hughes responded that it is coming shortly.

Mr. Walby asked about a plan to clean up the fish flies. Mr. Hughes has discussed this with Bryan Babcock. We have the ability to pull a street sweeper off normal roads. He will make certain this is taken care of.

Mr. Walby requested a status on the Leisure Manor food program, where they give meals to individuals. Mr. Hughes explained that this nutrition meal program was a County sponsored program on Mondays through Fridays where the meals were prepared on location for the Leisure Manor residents. Renovations caused the kitchen to close. In April, 2011, the Executive Director of the Housing Program, Mary Walsh, met with the County to express concerns about the meal program. They could not reach an agreement to reinstitute the program. A remedy was that anyone who participated in the program was to get Meals on Wheels. Mr. Walby wanted to know who stopped this. Mr. Hughes replied that Ms. Walsh couldn't reach an agreement. She has expressed an interest in working with the County to identify alternative locations to prepare the meals.

Mr. Walby read from a letter received from a blind resident at Leisure Manor who thought the meal program was part of living there. Mr. Walby said it is wrong that there is a storage issue. He would like Ms. Walsh to attend a Council meeting. Mayor Hison commented that Ms. Walsh does not report to this Council. He has met with her, and an offer was made for the residents to go to Civic Arena for lunches. Sue Fickau, Senior Center Coordinator, arranged buses to pick them up. Mayor Hison said there is more involved to this than just the nutrition program. He asked Mr. Hughes to contact HUD for a meeting to discuss this with our Housing Commission. He reiterated that Leisure Manor is a HUD facility, and it is their Director that takes care of things. We have recently become very critical of certain aspects. We have contacted Senator Levin to work this out. All Council members have received letters of high concern. Mr. Walby exclaimed that this is a quality of life issue and a disgrace. Mayor Hison responded that some residents have contacted the governor's office.

Mr. Walby announced that the Lac Ste Claire Symphony concerts will be at Wahby Park at 7:00 p.m. on Mondays all summer.

Council Member Frederick asked if we can get a couple chairs for people to sit while they are waiting for a bus at Leisure Manor.

11. COMMENTS BY INDIVIDUAL COUNCILPERSONS cont'd.

Mr. Frederick asked why it appears that the work at 9 Mile & Harper started and then stopped. He would like a get a timetable. Mr. Rayes will find out.

Mr. Frederick stated that he is looking forward to the Summer Concerts in the Park every Wednesday starting July 6 for the next six to seven weeks.

Mr. Frederick commented that the Fireworks were awesome.

Council Member Rubello responded to the speaker who asked, if he was the Council member that made the request on item 6. The Waterfront Environmental Committee does a lot and they can educate people on what not to do and what to do to clean the lake.

Mr. Rubello commended Mr. Hughes and Community Development for working with businesses to get construction issues resolved such as entrances into the businesses. Business is down as much as 50 percent in some cases.

Some are asking why the crews are not working every day. Mr. Rayes responded that they are out there every day but they might not be visible to everyone. Mr. Rubello commented that along the construction lines, there are concerns about the sewer grates not being covered and that they might all have fabric filters.

Mr. Rubello announced this year's Aquafest will be held from July 12 -16 on Jefferson. On Tuesday, July 12, behind Blossom Heath Inn at the park – Lac Ste. Claire Symphony Orchestra will perform Pops by the Lake. There will be a car cruise and bike night on July 14. The Adventure Triathlon will take place on July 16.

Mr. Rubello announced a fundraiser for the St. Clair Memorial Day Parade will take place on Friday, July 15 at Assumption Cultural Center at 7:00 p.m. Tickets are \$15 and can be purchased at City Hall.

Mr. Rubello announced that the dog park will be closed on July 12 and 13.

Mr. Rubello announced the Senior Center picnic will be July 28 from 4:00 p.m. to 8:00 p.m. Tickets can be purchased at the Senior Center.

Mr. Rubello requested a list of items that CDI has developed to streamline processes. This should include which ordinances are too prohibitive. He would like Mr. Rayes to submit this in two weeks

Council member Rubino announced that the Cultural Committee is looking for local artists of fine art for an event on August 11 showcasing artists, sculptors, poets and writers. To get an application, call 586-771-9020, e-mail scsculturalcom@scsmi.net or visit the library.

Mr. Rubino noted that the Cultural Committee is hosting a jazz band from Germany from August 17 – 20, through the Blue Lake International Exchange Program. Hosts are needed to house some of the musicians. Contact scsculturalcommittee@scsmi.net. The musicians are between the ages of 19 to 27 and speak English. They will be performing August 19 at the Jefferson Yacht Club.

Mr. Rubino commented that Leisure Manor might be mis-managed. He asked for confirmation that the Executive Director reports to Housing Commission. Mayor Hison replied that the Housing Commission meets monthly and she is present. The Housing Commission reports to the City Manager who reports to City Council. Mr. Rubino is concerned at what is going on at Leisure Manor.

Mr. Rubino inquired about the status of the bowling alley demolition. Mr. Rayes will give a status later this week.

Mr. Rubino commented that at the old Grissoms Pub, work had started but then stopped. Mr. Rayes said brick work footings are done but no brick work.

Mr. Rubino stated that if there is a lost dog, there is no place to take the dog on the weekends. Mr. Hughes responded that we have met with two or three private, nonprofit organizations to explore a contract to help our animal control officer after hours and weekends. The Police Department can hold up to two dogs but then we are out of space.

Mr. Rubino added to the discussion about muck in the lake. He noted that the process moved quickly after he contacted State Representative Forlini. The test results for bacteria will take about three to six weeks. The muck contains algae. The beach at Memorial Park should be cleaned up. There are large amount of seagull droppings. If

11. COMMENTS BY INDIVIDUAL COUNCILPERSONS (cont'd)

the droppings were cleaned up, perhaps beaches could open. On Friday before the holiday, it was embarrassing when news reporters were there.

Council member Rusie expressed gratitude and congratulated the Activities Committee and the sponsors for the Fireworks. The event was well attended and well run. She also thanked the Women's Civic League for hosting the Meet the Candidates night. To the candidates in the audience, she mentioned that it takes guts to put yourselves out there and have to answer questions compared to asking questions. She explained that if you missed the event or you have a question, there is a Q&A on the Facebook page. Go to *Discussions* link, and then *Mayor/Council candidate forum*. Check out the forum even if you don't have questions. She stated that our Facebook page is very well used.

Ms. Rusie stated that street sweeping takes a while to get to each neighborhood. Mr. Hughes explained that we sweep each street three times per year. The first time is mid to late fall, next is usually late summer or early fall and

the final street sweeping is in early to mid-November. Much of the street sweeping is mandated by the State because we are a coastal city with storm water underground feeding into Lake St. Clair. We incur this expense.

Ms. Rusie announced the parade can be viewed on TV. It runs through July 15 and is shown Tuesday through Sunday at 4:00 a.m. and 4:00 p.m. and Wednesday, Friday, Saturday and Sundays at 7:00 p.m. Ms. Rusie commented that if you like what you see and want to support next year's event, the Assumption fundraiser is July 15 from 7:00 p.m. – 11 p.m. There will be a cash bar, raffle, dancing, and Jamie Victory will be the DJ. Tickets are advanced sales only. Please contact a committee member or go to City Hall.

Ms. Rusie thanked Mr. Rubino for working to solve the muck issue in a leadership role. She thanked Mr. Walby for bringing up Leisure Manor issues. This issue is not just about nutrition but about fellowship. She also thanked Mr. Frederick for bringing up the benches at Leisure Manor as residents have to sit outside while waiting for a ride.

Ms. Rusie stated that the street sign at St. Gertrude and Harper needs to be reattached.

Ms. Rusie wished a Happy 80th birthday to Gene Meyer.

Mayor Hison reiterated that next week is a busy week at Nautical Mile with Aquafest, the Adventure Triathlon (a kayak, a bike ride and a run) that can be done by individuals or teams. See Mayor's Corner for details.

Mayor Hison gave an update about the Milk River. He is a member of the Milk River Intercounty Drainage District Board. He was asked by a resident about the approval process for structures on Milk River (i.e. boat ramp). The board indicated that as long as it doesn't restrict the water flow that comes from the pump station through the channel – they are not that restrictive. However, they don't issue permits. It is an intercounty drain. Construction that encroaches into the easements requires approval of Macomb County Public Works office. The second issue was about motorized boats on the Milk River. Mr. Hison was advised by a resident who saw boats/jet skis, that the only motor allowed on the Milk River is for Drainage Board personnel to inspect the banks and spray the weeds each year. No other motorized boats or jet skis are allowed. Three motorized boats and one jet ski were located at the homes. Mayor Hison requested that a letter go to all property owners along the Milk River to restrict the use of all motorized vehicles. He also requested that posting be made along the river. Our legal staff is reviewing and a meeting will take place in a couple weeks. Kayaks and row boats can be used but no wakes are allowed.

12. CITY MANAGER'S REPORT

Mr. Hughes announced that this is the time of year when we help the American Red Cross with a summer blood drive. Metro Detroit hospitals run low on blood. We will open City Hall Friday, July 8 for a blood drive starting at 10:00 a.m. until 3:45 p.m. This is open to residents and non-residents. No appointment is necessary but you can call (877) 505-9527 to schedule an appointment. There will be an incentive program. Participants will be entered into a raffle for free gasoline for one year and tickets to Cedar Pointe Amusement Park.

13. AUDIENCE PARTICIPATION

Jack Lawrence, President of Lac Ste Claire Symphony Orchestra announced their kickoff concert for Aquafest will be at the Blossom Heath Park on Tuesday July 12 at 7:00 p.m. He thanked TIFA for their sponsorship of the Nautical Nibble which will be held in October.

13. AUDIENCE PARTICIPATION cont'd.

Anthony Tiseo, St. Clair Shores resident, would like the foreclosed house program houses to include a garage. Mayor Hison responded that there are a couple houses without garages that we will evaluate, but that many houses in the City don't have garages.

Chris Vitale, St. Clair Shores resident requested to correct an inaccuracy from the Meet the Candidates event. Judge Fratarcangeli referred to him as the founding member of STRAW. However, he was a founding member with four others. He stated that STRAW is always interested in new members and fresh ideas. Visit strawsos.com for meeting information. He announced that 27823 Larchmont is now a graded lot. Mr. Vitale met with realtors about financing vacant properties. He proposes that we work with builders to hold an interest in the title of the property and that we

establish a board of review or property review committee to look at what is offered for sale under a certain price threshold. A lot of these homes are sub-standard. Currently we make improvements and put house back on the market when some of them should not be remodeled. These homes will not attract long term residents – mostly rental investors. His structure would be two residents with knowledge of building trades, a real estate professional that lives in the City, a CDI employee and a Council member. This could be profitable.

14. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268 SECTION 8 (c)

Motion by Walby, seconded by Frederick to enter closed session as permitted by State Statute MCLA 15.268 Section 8 (c) at 9:38 p.m.

Ayes: All – 6
Absent McFadyen

Motion by Rubino, seconded by Rusie to return to Open Session at 9:43 p.m.

Ayes: All – 6
Absent McFadyen

15. ADJOURNMENT

Motion by Frederick, seconded by Rubino to adjourn at 9:40 p.m.

Ayes: All – 6
Absent McFadyen

(THE PRECEDING MINUTES ARE A SYNOPSIS OF A CITY COUNCIL MEETING AND DO NOT REPRESENT A VERBATIM RECORD.)

ROBERT A. HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK